

### REMARKS

Applicant has corrected minor errors in the claims. Applicant has also canceled the non-elected claims but preserves its right to file divisional applications on the subject matter of the non-elected claims.

The examiner furnished a revised restriction requirement and required restriction to one of the following inventions:

- I. Claims 1-15 and 51-55, drawn to a battery containing an air valve and a method of operating the battery, classified in class 429, subclass 27.
- II. Claims 16-28, drawn to an air valve, classified in class 137, subclass 625.
- III. Claims 29-42 and 56-58, drawn to a battery containing a circuit for monitoring oxygen levels and a method of operating the battery, classified in class 429, subclass 90.
- IV. Claims 43-50, drawn to a circuit for monitoring oxygen levels, classified in class 340, subclass 501.

Responsive to the action mailed July 18, 2006, applicant elects the invention of Group I claims 1-15 and 51-55 drawn to the embodiment of a battery. The election is made without traverse.

The examiner also asserted a Species Requirement regarding the invention of Group I as: "claims 2-13, drawn to a valve containing two members both with holes movable with respect to each other and claim 14, drawn to a valve containing one member with holes and a shape memory alloy ribbon capable of changing shape to cover or uncover the hole. The species are independent or distinct because the species are not obvious variants."

Applicant pursuant to 35 U.S.C. 121 elects the disclosed species of claims 2-13. Currently, claim 1 is generic. Applicant also contends that claims 6-9 and 11 are generic. Applicant has also amended claim 51 to make claim 51 specific to the embodiment of a battery drawn to a valve containing two members both with holes movable with respect to each other.

Applicant has added new claims 59-89. New claims 59-70 read on the species of "claims 2-13, drawn to a valve containing two members both with holes movable with respect to each other" and claims 71-82 read on the species of "claim 14, drawn to a valve containing one member with holes and a shape memory alloy ribbon capable of changing shape to cover or

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uncover the hole. " Claims 83, 84 and 87 are generic, whereas claims 85 and 89 read on the species of claims 2-13 and claims 86 and 88 read on the species of claim 14.

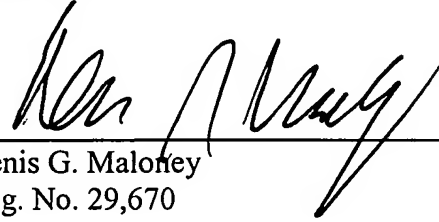
No fee is believed due. If a fee is due, please apply that fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

8/18/06

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